



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,999	08/31/2000	D. Mark Durcan	98-1068.02	6501

7590 11/05/2002

ATTN: RUSSELL D. SLIFER
FOGG, SLIFER & POLGLAZE, P. A.
P. O. BOX 581009
MINNEAPOLIS, MN 55458-1009

EXAMINER

NGUYEN, DILINH P

ART UNIT

PAPER NUMBER

2814

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/652,999	DURCAN ET AL.
	Examiner	Art Unit
	DiLinh Nguyen	2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 August 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 29 and 67 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 29 and 67 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Claim Objections

Claim 1²⁹ recites the limitation "a second portion" and "a second partial circumferential part ". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dennison (U.S. Pat. 5362666).

Dennison discloses the method for forming a container capacitor, comprising the steps of:

providing a cup shaped bottom electrode 42 (cover fig., column 10, lines 35-37);
providing an insulating layer 32 around and in contact with an exterior surface of the cup shaped bottom electrode (fig. 4, column 10, lines 15-20);
a photo resist layer 44 which will function as a mask, and it is inherent that use of the mask in the process of masking a first partial circumferential portion of the insulating layer (figs. 4-6);

etching a portion of the insulating layer from a second partial circumferential part of the exterior surface to expose a part of the exterior surface (figs. 4-5, column 10, lines 15-20);

depositing a dielectric layer 50 on the part of the exterior surface (fig. 6A, column 8, lines 51-55); and

depositing a conductive layer 52 on the dielectric layer.

3. Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dennison (U.S. Pat. 5362666) in view of Dennison (U.S. Pat. 6331725).

Dennison discloses a method for forming a container capacitor comprising: fabricating a cup shape bottom electrode 42 (cover fig., column 10, lines 35-37); providing an insulating layer 32 around an exterior surface of the cup shaped bottom electrode (figs. 3-4, column 10, lines 15-20), such that an entire vertical height of the exterior surface is in contact with the insulating layer;

etch stop layer 30 is on a first portion of the insulating layer;

etching a second portion of the insulating layer to stop completely on the etch stop layer 30 (fig. 5, column 10, lines 15-17) from a first region of the exterior surface to expose the first region of the exterior surface, such that the insulating layer 32 remains in contact with an entire vertical height of a remaining region of the exterior surface;

depositing a dielectric layer 50 on the first region of the exterior surface; and

depositing a conductive layer 52 the dielectric layer (fig. 6A, column 8, lines 52-55).

Dennison discloses the claimed invention except for not point out that the etch stop layer is function as a mask.

Dennison (6331725) discloses a hard mask or etch stop layer 31 (fig.5, column 5, lines 5-8) restricts etching of insulating dielectric material layer 30. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Dennison to provide the etch stop layer as the hard mask to restrict etching of insulating dielectric layer, as shown by Dennison (6331725).

Response to Arguments

Applicant's arguments filed 8/27/02 have been fully considered but they are not persuasive.

The applicant argues that the process of masking and the subsequently recited etching is neither taught nor disclosed in Dennison, as Dennison performs an etch to remove the supporting insulator 32 to a uniform depth for the entire circumference of the container.

The examiner disagrees.

The insulator 32 is not remove for the entire circumference of the container, the insulator 32 is still remain in contact with the cup shaped bottom electrode 42 at the bottom part of the vertical portion.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DiLinh Nguyen whose telephone number is (703) 305-6983. The examiner can normally be reached on 8:00AM - 6:00PM (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (703) 308-4918. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

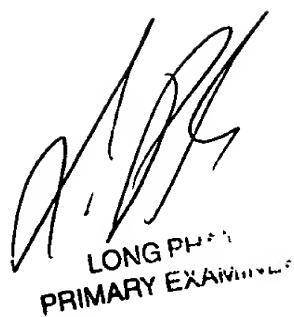
Application/Control Number: 09/652,999

Page 6

Art Unit: 2814

DLN

November 1, 2002



A handwritten signature in black ink, appearing to read "A. PHAN".

LONG PHAN
PRIMARY EXAMINER